

REMARKS

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 1, 4 and 10, all other claims having been cancelled.

All of the claims were rejected under 35 USC 103 as being obvious over the Naftchi et al '933 and '962 patents, the Petrus or Lai patents. The Examiner referred to column 133 of the '933 patent and column 119 of the '962 patent as teaching the same compositions as Applicants were claiming. The Petrus and Lai patents allegedly teach the claimed compound and the Examiner deems it would have been obvious to use the ingredients together since they are claimed for the same use and/or in the same compositions.

Applicants respectfully traverse this ground of rejection since the references neither anticipate nor render obvious Applicants' invention. The two Naftchi et al patents are clearly related to different reaction products since they are directed to reaction products of two active ingredients which, as can be seen from Example 1, are not present together. In Example 1, the acid is reacted thienyl chloride to form the acid chloride which is then reacted with the amino compound. There is no admixture whatsoever of the acid and the amino compounds, rather, it is a reaction product of the two. In contrast

thereto, Applicants' pharmaceutical combination composition is comprised of two separate distinct compounds which are admixed together and are not a reaction product. Therefore, the Naftchi et al patents are directed to an entirely different invention rather than a reaction product of two ingredients in contrast to Applicants' two separate and distinct components and not a reaction product.

Applicants are claiming an association of two individual compounds, one being a NO synthase inhibitory agent derived from L-arginine derivatives or a compound of the amidine family and the other a metabolic antioxidant possessing at least two thiol groups and which intervenes in the redox status of thiol groups. The Examiner's interpretation of the Naftchi patents is not clearly understood since Table I of the '933 patent is a list of compounds in which compound (208) has the formula

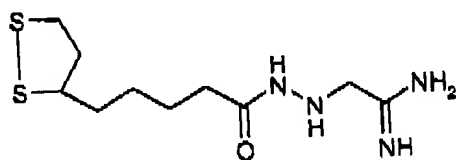


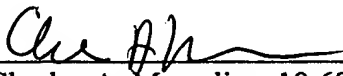
Table II presents the reactants used to form the products of Table I and Example 208 of this Table shows the necessary reactants, namely α -lipoic acid and aminoguanadine without any chemical reaction. The heading of Table II states that "the products of Tables I and II are prepared according to the method described for preparing such compounds in accordance with this invention." The only procedure taught in the patent are those of Examples of 1 to 14 which all show reaction of the acid with thionyl chloride to form the acid chloride which is then reacted with the amine compounds.

Therefore, the Naftchi et al patents do not teach Applicants' two separate reactants and withdrawal of this ground of rejection is requested.

The Lai patent relates to a conjugate of nitrogen oxide scavengers and dithiocarbamates and by conjugates, this means a reactant derived from the same which has the same deficiency as noted above for the Naftchi et al patents. The Petrus patent relates to a method of treating arthritis by administering a composition comprising an inhibitor of nitric oxide synthase and an amino acid which is not an anti-oxidant. This has nothing to do with Applicants' invention since the amino sugars are "the building blocks of articular cartilage and have anti-inflammatory actions as indicated in lines 48 and 49 of column 2 which is a completely different activity. By the use of the expression "consisting essentially of", this excludes components such as amino sugars which would give a completely different activity to the composition and therefore, the amino sugars are excluded by the present terminology and these grounds of rejection also fail.

In view of the amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
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